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BEFORE THE ARIZONA CORPORATION COMMISSION

2002 FEB 22 P 4: 22

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FEB 22 2002

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IN THE MATTER OF QWEST
CORPORATION'S COMPLIANCE
WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF
1996.

DOCKET NO. T-00000B-97-0238

QWEST'S COMMENTS ON
THE STAFF'S FINAL REPORT
ON LINE SPLITTING AND
NIDS

Qwest Corporation hereby provides its comments to the Arizona Corporation Commission Staff's (Staff's) Report issued on February 12, 2002, concerning Network Interface Devices (NIDs) and Line Splitting (Report). Qwest commends the Staff for its hard work in generating and issuing the Report. Qwest accepts many of the conclusions in the Report; but requests reconsideration of two NID issues: (1) whether CLECs may remove Qwest's wires from the NID and let Qwest facilities dangle; and (2) the appropriate time frames for Qwest to determine facility ownership. Qwest believes that the recommended decision on these issues is inconsistent with the law, facts, previous Commission decisions, public safety and/or sound public policy.

I. BACKGROUND

Qwest and a number of CLECs participated in approximately two weeks of workshops in Arizona on loops, line splitting and NIDs. The Staff issued its recommended report on these subjects in two stages: one on loops and this Report on

NIDs and line splitting. Qwest will only address the second aspect of these workshops in these comments. With respect to NIDs and line splitting, substantial progress was made resolving a number of key issues. Nonetheless, several impasse issues remained. Qwest seeks reconsideration of two NID issues, each of which will be discussed below.

II. DISCUSSION

Disputed Issue No. 1: The Staff Issued a Decision that Eradicated a Consensus Reached Between AT&T and a Decision of the ACC on the Amount of Time That Qwest has to Determine Facility Ownership.

This issue, at its core, concerns whether CLECs must use subloop procedures to access subloops and NID procedures to access demarcation points. The Staff finds that CLECs must use subloop procedures to access subloops. *Report at ¶151.* Specifically, “while Staff agrees that Section 9.3 should apply where subloops are concerned, Staff is concerned that Qwest gives itself an inordinate amount of time to determine whether the MTE NID is a “terminal” as opposed to whether Qwest owns the inside wire.” *Report at ¶151.* Staff then finds that Qwest has 2 calendar days to determine facility ownership. Qwest agrees with the Staff’s decision that SGAT § 9.3 should apply to subloops; however, the two day requirement contradicts FCC law, a prior ACC decision, and an agreement on this exact issue between Qwest and AT&T.

Staff is correct that the FCC has set forth very specific standards for accessing subloops. These issues have been fully addressed and decided by the ACC in a prior open meeting. However, the question of whether facilities in an MTE are owned by Qwest and therefore subloops subject to Section 9.3 of the SGAT is not always inherently obvious. Thus, at the outset in every MTE situation, the initial inquiry is whether Qwest or the owner of the MTE owns the facilities inside the MTE itself. If Qwest owns the facilities, CLECs must order subloops. If the MTE owner owns the facilities, the CLECs

can wire directly to the NID and avoid subloop process. Irrespective of which is the case, however, the first step must be to determine who owns the facilities.

The ACC has already considered this exact issue in its emerging services decision and adopted the "10/5/2 Rule" for determining who owns the facilities. Specifically, in SGAT § 9.3.5.4.1, the Staff, ALJ and ACC adopted the following language:

9.3.5.4.1 CLEC shall notify its account manager at Qwest in writing, including via e-mail, of its intention to provide access to Customers that reside within a MTE. Upon receipt of such request, Qwest shall have up to ten (10) calendar Days to notify CLEC and the MTE owner whether Qwest believes it or the MTE owner owns the intrabuilding cable. In the event that there has been a previous determination of on-premises wiring ownership at the same MTE, Qwest shall provide such notification within two (2) business days. In the event that CLEC provides Qwest with a written claim by an authorized representative of the MTE owner that such owner owns the facilities on the Customer side of the terminal, the preceding ten (10) day period shall be reduced to five (5) calendar Days from Qwest's receipt of such claim.

All parties in the NID and subloop workshops recognized that these time frames apply equally to NIDs and subloops in MTE Terminals. Thus, this exact question has been reviewed and adopted in a prior decision already.

Finally, in the state of Washington, Qwest and AT&T reached consensus on the exact language in SGAT §9.3.5.4.1 – the very issue in question. The parties agreed that Qwest has ten days to determine facility ownership in the first instance; five days to determine facility ownership when the building owner claims to know who owns the facilities; and two days when Qwest has made a prior determination of subloop ownership. The parties agreed upon this language as consensus.¹ Moreover, the 10-day interval is derived from express FCC precedent. In the *MTE Order*, the FCC held that the

¹ Washington 271 Transcript at 5547-49 (Aug. 1, 2001).

ILEC has up to ten business days to determine ownership of the intrabuilding cable.² The Hearing Division should, therefore, modify paragraph 151 of the Report to conform with this exact issue.

Disputed Issue No. 2: The Staff Has Created a Potential Safety Hazard by Extending CLEC Technicians the Opportunity to Disconnect Qwest Facilities from Proper Protection Equipment.

This issue concerns situations when Qwest's NID is out of capacity – i.e., every protector field is being utilized (the standard residential NID contains six protector units, many more than the average number of lines into a home). AT&T asks that in this situation, it be able to disconnect Qwest's facilities from the protector field of the NID, let Qwest's facilities dangle while "capping" them off, and connect its own facilities to the protector field. The protector grounds Qwest's loop and protects against electrical surge.

Qwest strongly objects because disconnecting Qwest from the protector field would create a hazardous situation. In these situations Qwest has offered to install a new NID with greater capacity to ensure that all such facilities are properly protected. SGAT § 9.5.2.2. Moreover, AT&T's entrance strategy is to utilize its own NID with its own protector field, and to cross connect into Qwest's NID without using the protection in Qwest's NID, which is also specifically authorized by the SGAT. SGAT § 9.5.2.1.4. Despite this, the Staff found that "a qualified technician of any Carrier may remove or

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First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99-217, Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96-98, and Fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 88-57, *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets, Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed to Provide Fixed Wireless Services, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Review of Sections 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network*, CC Docket No. 96-98 & 88-57, FCC 00-366 (Rel. October 25, 2000) ("MTE Order") ¶ 56.

disconnect and cap off another Carrier's drop wire facilities." *Report at* ¶ 161. Staff then speculated that "it believes this language addresses the concerns raised by both AT&T and Qwest." *Id.* The Staff simply adopts AT&T's view. This does not address Qwest's concerns, which cannot be harmonized with those of AT&T.

The Commission should not allow CLECs to disconnect facilities from the protector field of Qwest's NID and thereby create a hazardous condition. The Staff's conclusion would leave Qwest's distribution facility unprotected, and in violation of the National Electric Safety Code ("NESC") and the National Electric Code ("NEC"). This issue is purely one of safety. AT&T's proposal would create a hazardous situation in the Qwest network that could place end-users and Qwest technicians at risk of potential electric shock and its network at risk of potential damage and fire.

Moreover, at the end of the process when damage to Qwest's network or worse, injury to a person occurs, who will be liable for the damage/injury? Certainly the CLEC should be liable. However, especially in an MTE environment, it may not be apparent who disconnected Qwest's facilities from the NID. Qwest should not be placed in the position of having its facilities tampered with, thereby creating a hazardous situation. In an analogous situation where Qwest and CLEC facilities are in close proximity – collocation – the FCC made plain that ILECs can segregate their facilities from CLECs' for network security reasons. Specifically, the FCC said that because "physical security arrangements surrounding collocation space protect both incumbent and collocater equipment from interference by unauthorized parties, the Commission permitted incumbent LECs to require reasonable security."³

Notwithstanding the safety concerns, the Report agreed with AT&T that the CLECs should be permitted to disconnect the Qwest distribution facilities where the work is performed by a "qualified technician." Qwest, however, has had three engineers –

³ FCC Docket No. 98-147, FCC 01-204 ¶85. (Aug. 8, 2001).

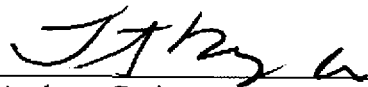
unquestionably "qualified technicians" – testify on this subject throughout its region and all three found it would be inappropriate, *per se*, to disconnect wires from the protector field and cap them off. The only evidence AT&T puts forth to support this strange recommendation is a 1969 Bell System practice. That Bell System Practice concerned situations when the NID is removed from the home altogether, thereby removing the protector field.⁴ Thus, the only thing this 30 year old policy stands for is what a technician should do when there is no protector field in which to ground the wire, i.e., how to make the best of a bad situation. However, when the NID remains in place – as would be the case here – AT&T's own Bell System Practice states "do not disconnect the outside drop at the customer building." The Multistate Facilitator used this very point to deny AT&T's request on this issue. The Colorado Hearing Commissioner did likewise. The ACC should do likewise and reverse the Report on this issue.

III. CONCLUSION

For all of the aforementioned reasons, Qwest asks the Hearing Division to reconsider the two mentioned NID issues and issue a decision in conformance with these comments.

DATED this 22nd day of February, 2002.

Respectfully submitted,



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⁴

See Attachment 1.

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AT&T PRACTICE
STANDARD

SECTION 460-300-12
Issue 1, December 196
AT&TCo Standard

DROP AND BLOCK WIRE—DISCONTINUANCE OF SERVICE

1. GENERAL

1.01 This section outlines methods for disposing of drop wire at customer building and pole on discontinuance of service.

2. STATION PROTECTOR OR CONNECTING BLOCK LEFT IN PLACE

2.01 Where station protector or connecting block is not to be removed, do not disconnect the outside drop at the customer building.

3. STATION PROTECTOR OR CONNECTING BLOCK REMOVED AND DROP WIRE LEFT IN PLACE

3.01 Where drop loop terminates on station protector or connecting block inside the subscriber building, disconnect the drop at station protector or connecting block and pull it out of the building entrance hole. Secure wire as shown in Fig. 1.

3.02 Where drop wire is terminated in a station protector located on outside of building proceed as follows:

(1) Disconnect drop, ground, and station wires at the protector.

(2) Tape and secure wire as shown in (Fig. 2).

3.03 Where station protector or connecting block is used as a bridging point for two or more party-line stations and one station is to be disconnected, disconnect only the associated station wiring at the bridging point. Secure the free end of wire in one of the following ways:

(a) Lay free end of wire back on itself about the nearest ring and secure to supporting wire with friction tape.

(b) Tape the free end of wire with friction tape and secure with inside wiring nails or staples. If all the party-line stations are to be disconnected

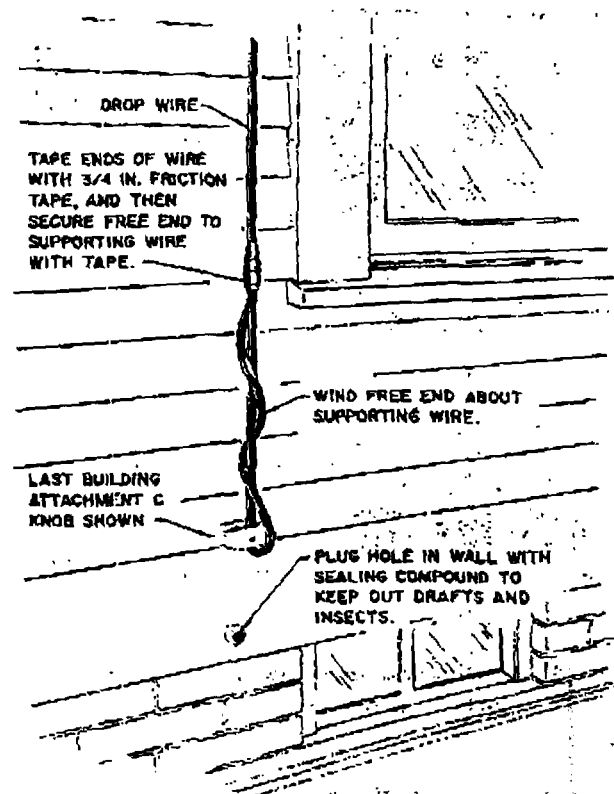


Fig. 1—Terminating Drop Wire When Protector is Removed

at the same time, dispose of the drop loop in the manner outlined in 3.01 and 3.02 for single station installations.

4. STATION EQUIPMENT TO BE REMOVED BUT NO ACCESS TO STATION PROTECTOR OR CONNECTING BLOCK

4.01 Cut drop wire at entrance hole. Serve and tape the free end as shown in Fig. 1.

Ex 957

SECTION 460-300-129

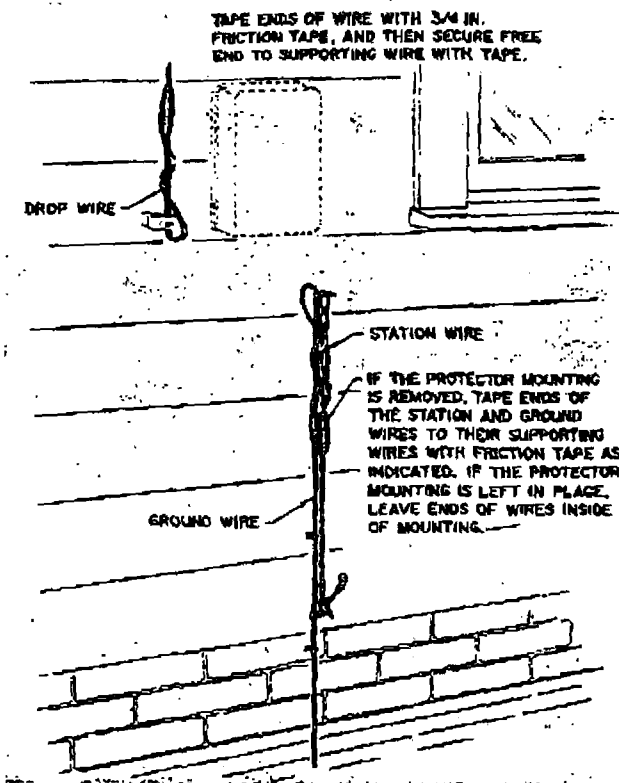


Fig. 2—Terminating Drop and Station Wiring When Protector is Removed

5. DROP AND BLOCK WIRE DISCONNECTS AT POLE

5.01 Suitable tags, locally provided, are wrapped around the ends of disconnected drops as a means of identifying each drop in connection with plant orders to restore service. The tag should indicate the address of the customer served and other pertinent information as determined by local service practices.

5.02 The top nuts of the binding posts which are vacated by disconnected drops, should be turned down fingertight.

5.03 Where a cable pair becomes spare on disconnecting a drop and it appears in a cross connecting terminal in the cable run, the associated cross connection should be removed in accordance with local instructions.

6. PLACING B DROP WIRE CAP ON END OF DISCONNECTED DROP WIRE

6.01 Fig. 3 shows the procedure for placing the B Drop Wire Cap.

7. DISCONNECTING DROP WIRE AT DISTRIBUTION CABLE TERMINALS

7.01 *Pole Mounted Terminals:* Dispose of connected drop as follows:

- (1) Pull the free end of wire out of the terminal.
- (2) Lay wire back on itself at the first ring below the terminal, tag and cap the free end and then secure the free end to the supporting part of the wire (Fig. 4).

7.02 *Strand and Sheath Mounted Terminals:* Dispose of disconnected wire at 49-, N-, and T-type terminals as follows:

- (1) Pull free end of wire out of the terminal.
- (2) Lay wire back on itself at the wiring ring, which will allow the free end to fall outside the terminal wiring rings.
- (3) Tag and cap the wire end and secure it to the supporting part of the wire as shown in Fig. 5.

7.03 *Wall Mounted Terminals:*

- (a) *Vertically Mounted Terminals:* Dispose of disconnected drop in the manner described in 7.01 for pole-mounted terminals.
- (b) *Horizontally Mounted Terminals:* Dispose of disconnected drops in the manner described in 7.02 for strand mounted terminals. The completed operation is shown in Fig. 6.

8. DISCONNECTING DROP WIRE AT WIRE TERMINALS

8.01 *Party Line Taps in Drop Wire Runs Along a Lead:* Pull the free end of wire out of the wire terminal, tag and cap it and secure to the supporting part of the drop as shown in Fig. 7. If the party line extending beyond the wire terminal pole is disconnected, treat its free end at

ISS 1, SECTION 460-300-12

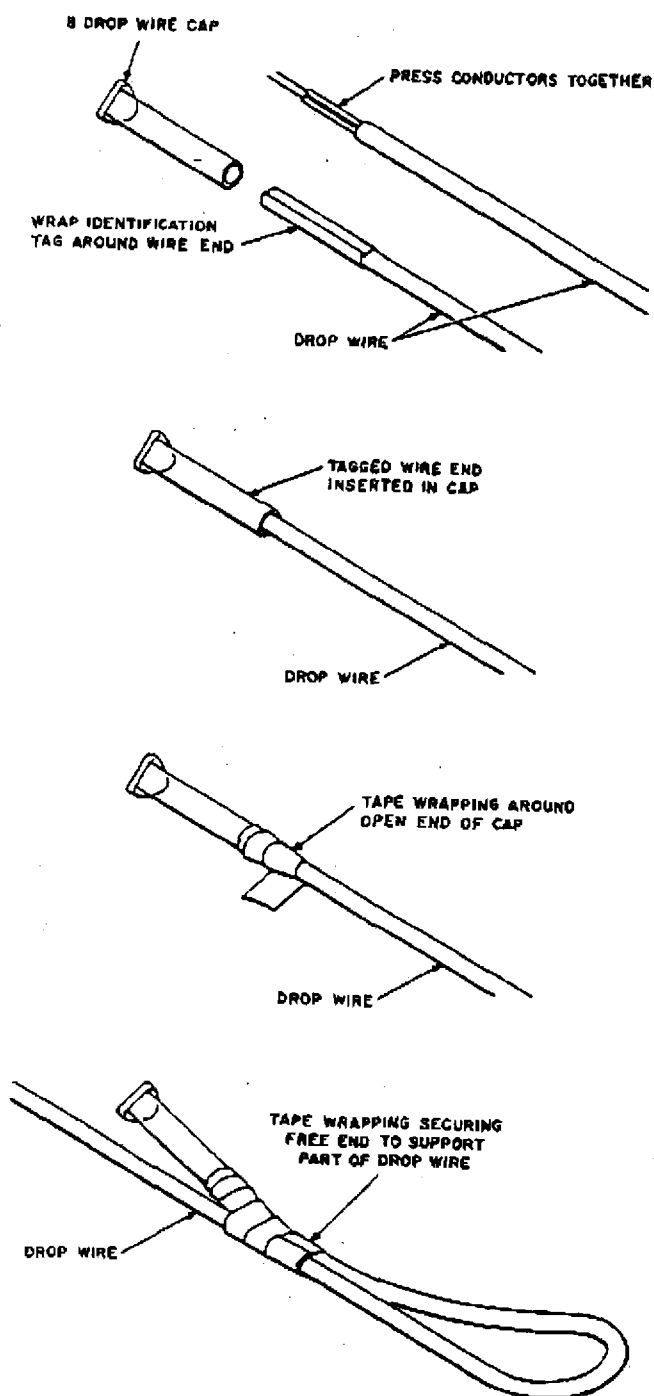


Fig. 3—Disposition of Disconnected Drop Wire

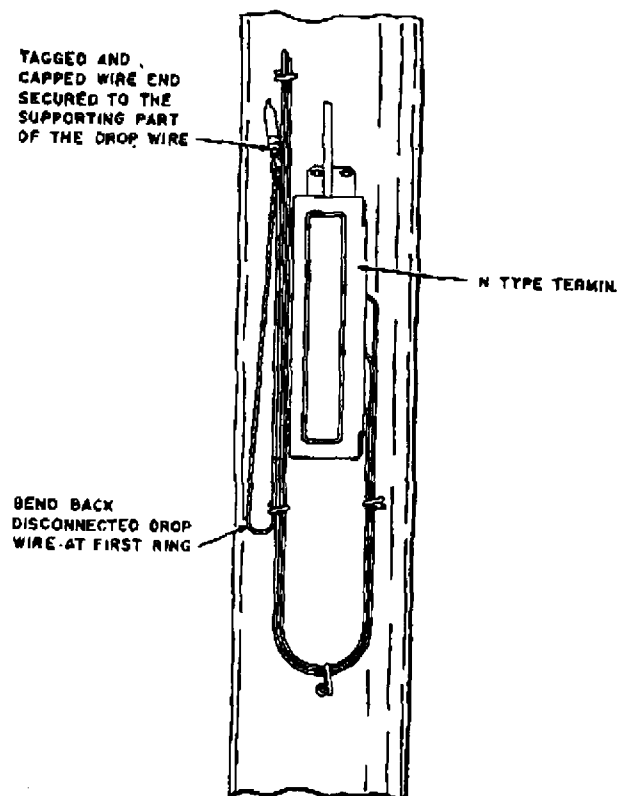


Fig. 4—N-Type Terminal, Pole Mounted

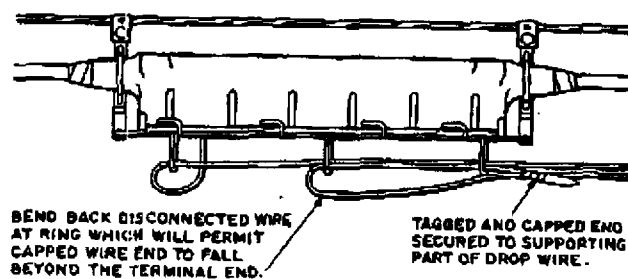


Fig. 5—49-Type Terminal, Strand Mounted

this point the same as for the intermediate party line.

8.02 Drops from Open Wire Lines: Pull disconnected drop from the wire terminal mounted on the crossarm or pole. Lay wire back on itself at drive ring located below the wire terminal, tag and cap the free end and secure it

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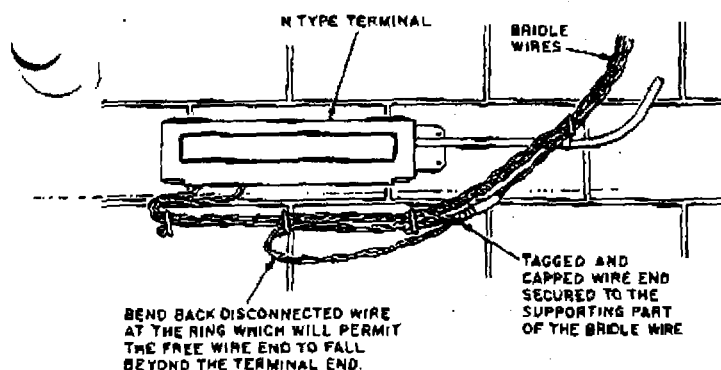


Fig. 6—N-Type Terminal Wall Mounted

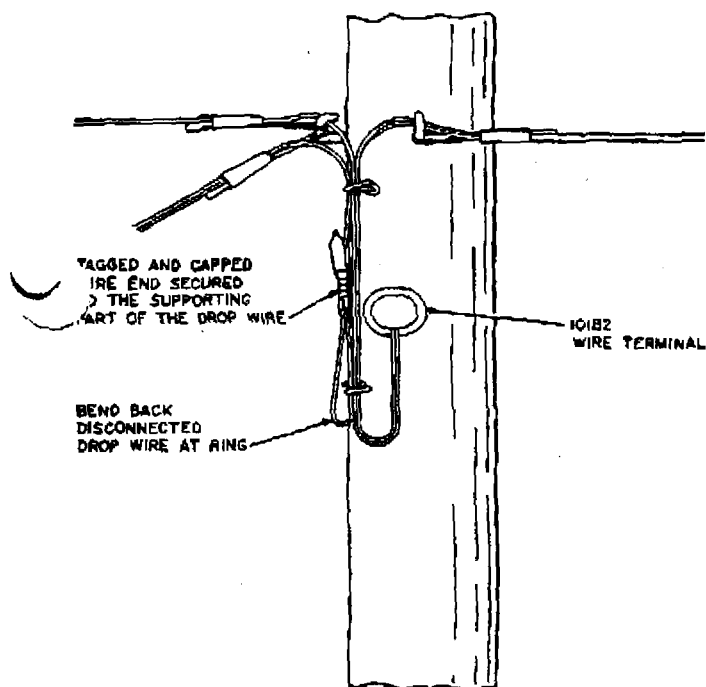


Fig. 7—101-Type Wire Terminal, Pole Mounted

to the supporting part of the drop as shown in Fig. 8.

9. DISCONNECTING DROP WIRE AT 116-TYPE PROTECTOR

9.01 Where, for purposes of protection, a drop wire is connected *through* a 116-type protector to a cable distribution terminal, disconnect the

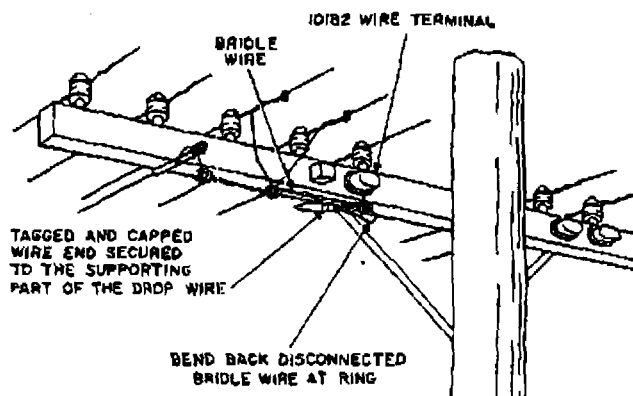


Fig. 8—Wire Terminal Mounted on Crossarm

bridle cross connection wire at the cable terminal. Pull the free end of the bridle wire out of the terminal and tag, cap, and support it as described in Part 7.

10. DISCONNECTING DROP WIRE AT CROSS CONNECTING TERMINALS

10.01 Disconnect the drop wire and tag and cap the end. Bend the wire back on itself and secure the free end *inside* the terminal.

11. TAPING END OF DISCONNECTED DROP WIRE

11.01 Where B drop wire caps are not available, wire ends may be taped with friction tape.